

Reliance Communications response to Draft Regulation on 'The Telecom Commercial Communications Customer Preference (Fifteenth Amendment) Regulations, 2014

1. At the outset, Reliance Communications welcomes the opportunity to provide its comments on the Draft 'The Commercial Communications Customer preference (Fifteenth Amendment) Regulations, 2014. The Authority vide the said Draft Regulations has proposed for restoration of telecom resources of the disconnected UCC violator/customer after paying the charge of Rs 500 to TRAI. In this regard, we request the Authority that the following should be considered before hand while arriving at any conclusion on this matter:
 - 1.1 Reliance Communications has always supported TRAI to curb the unlawful activity of UCC done by the unregistered telemarketers which results in inconvenience to millions of subscribers. We have also taken various pro-active measures to stop the menace of UCC and the same have been highlighted to TRAI time to time. TRAI has subsequently issued amendments based on these proactive steps taken by us. We have spent a substantial CAPEX to implement the similar signature solution and have disconnected a large number of connections as well as blocked a large number of IMEI's. However, even after implementing the rigorous measures including similar signature solution, the desired results of eliminations of UCC is still elusive.
 - 1.2 TRAI will appreciate the fact that telecom operators are making all efforts to educate their customers to curb UCC. However despite of all efforts/steps taken by the industry, the UCC activity is still prevailing. **Therefore, there is no reason to penalize the TSPs for any UCC activity done by some of the unregistered telemarketing entities.**
 - 1.3 **We request that the customer should only be responsible for the bonafide use of the telecom resources allotted to him and customer should be held responsible for any misuse thereof as is specified in the license..**

- 1.4 In light of the above, it is submitted that any proposal for restoration of disconnected telecom resources of the errant unregistered telemarketer after payment of merely Rs 500, may lead to the failure of the stringent steps taken by the industry/TRAI to curb the menace of UCC.
- 1.5 TRAI is well aware of the fact that many of these disconnected unregistered telemarketers would have led to imposition of hefty financial disincentive on TSPs, which are not leaving any stone unturned to stop UCC. Thus, restoration of telecom resources may give such unscrupulous elements an opportunity to again default the stringent UCC regulations and TSPs will be penalized endlessly.
- 1.6 Moreover, there may be some of the cases of the customers (NOT TELEMARKETERS) who have faced disconnections due to inadvertent UCC messages sent from their resources. **We suggest that those customers may be restored with their connections after an undertaking to ensure no further UCC messages will be sent from their resources and TSPs should not be penalized for any UCC by these restored subscribers.**
- 1.7 Notwithstanding which, if at all Authority decides to restore these connections, then the charges should to the tune of Rs 5000 per connection, which is similar to the financial disincentive imposed on TSPs for each UCC violation. Moreover, TSPs should be waived off with the financial disincentive imposed due to the said telemarketer.
